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AGN. NO. _____

MOTION BY SUPERVISOR DON KNABE

December 9, 2003

The House of Representatives took action on November 21, 2003 to approve the passage of S.877 by Senator Conrad R. Burns (R-Montana) titled "Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003." This bill, which passed by a lopsided bi-partisan margin of 392-5, would set limits and penalties of the transmission of unsolicited e-mails.

Congress found that the receipt of commercial e-mails may result in cost to recipients who cannot refuse to accept such mail and who incur cost for the storage of such mail, the time spent accessing, reviewing and discarding such mail or for both. There is a finite volume of mail that such providers, businesses and institutions can handle without further investment in infrastructure. Moreover, some unsolicited commercial e-mail contains material that many recipients consider vulgar or pornographic in nature.

- M O R E -

MOTION

MOLINA	_____
BURKE	_____
YAROSLAVSKY	_____
ANTONOVICH	_____
KNABE	_____

Congress also found that an increasing number of senders of unsolicited commercial e-mails purposely disguise the source of such mail so as to prevent recipients from responding quickly and easily and that they unsolicited commercial e-mails often includes misleading information in the message's subject lines in order to induce the recipients to review the messages.

This legislation establishes criminal penalties for unsolicited commercial e-mails containing fraudulent transmission information and provides other protections to make it unlawful to initiate the transmission of misleading information and material.

I, THEREFORE MOVE, THAT the Board of Supervisors support S.877 and instruct the Chief Administrative Officer to send correspondence to President George W. Bush urging early enactment and signature into law.

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TM:cy/gr



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CHIEF ADMINISTRATIVE OFFICE

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DAVID E. JANSSEN
Chief Administrative Officer

December 5, 2003

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To: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Yvonne Brathwaite Burke
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

MOTION TO SUPPORT S. 877, THE CONTROLLING THE ASSAULT OF NON-SOLICITED PORNOGRAPHY AND MARKETING ACT OF 2003 (ITEM NO. 3, AGENDA OF DECEMBER 9, 2003)

Item No. 3 on the December 9, 2003 Agenda is a motion by Supervisor Knabe that the Board support S. 877 (Burns, R-MT), the Controlling the Assault of Non-Solicited Pornography and Marketing ("CAN-SPAM") Act of 2003, and direct the Chief Administrative Officer to send a letter to President Bush urging support and early enactment of the bill.

S. 877 addresses the problem of unsolicited e-mail solicitations. The bill would direct the Federal Trade Commission to develop a national do-not-spam registry similar to the current do-not-call telemarketing registry, allow consumers to opt out of future e-mail solicitations from commercial e-mailers, and provide Federal and State officials the authority to prosecute and fine persons and businesses that violate the bill's anti-spam rules.

The House passed the bill on a 392 to 5 vote on November 22, 2003, and the Senate passed the House version, by unanimous consent, with some technical changes, on November 25, 2003. After the House returns from its Thanksgiving recess on December 8, 2003, it is expected that it will adopt the amended Senate version, clearing the bill for the President, who is expected to sign the bill.

Each Supervisor
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Support for S.877 is consistent with Board policy contained in the Federal Legislative Agenda approved by the Board on February 4, 2003, which supports proposals which protect consumers from unsolicited commercial electronic mail ("spamming").

DEJ:GK
MAL:MT:DS:ib

c: Executive Officer, Board of Supervisors
County Counsel
Legislative Strategist